



12-6-04

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Attorney Docket No: 0492611-0526 (MIT 10181)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lee, H. Examiner: N/A
Serial No.: 10/717,409 Art Unit: N/A
Filing Date: November 18, 2003
Title: PERISTALTIC MIXING AND OXYGENATION SYSTEM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RECEIVED

DEC 16 2004

OFFICE OF PETITIONS

Sir:

TRANSMITTAL FOR SUBMISSION TO CORRECT SMALL ENTITY STATUS

UNDER 37 C.F.R. 1.28(c)

Enclosed herewith please find the following:

1. Submission to Correct Small Entity Status Under 37 C.F.R. 1.28(c) (3 pages);
2. Check in the amount of \$1,902.00; and
3. Return Postcard

Additionally, please charge any further fees associated with this filing or apply any credits to our Deposit Account No. 03-1721.

12/13/2004 PTRICE 00000007 10717409

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1902.00 0P

Respectfully submitted,

Monica R. Gerber, M.D., Ph.D.
Reg. No. 46,724

Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000

Dated: December 3, 2004

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Attorney Docket No: 0492611-526 (MIT 10181)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lee, H. Examiner: N/A
Serial No.: 10/717,409 Art Unit: N/A
Filing Date: November 18, 2003

Title: PERISTALTIC MIXING AND OXYGENATION SYSTEM

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SUBMISSION TO CORRECT SMALL ENTITY STATUS UNDER 37 C.F.R. 1.28(c)

Sir:

Applicants respectfully submit this paper to correct the previous good faith establishment of Small Entity Status for the above-referenced patent application. Applicants respectfully request that any error in establishing Small Entity Status be excused in accordance with 37 C.F.R. 1.28(c). The above-referenced patent application was filed on Nov. 18, 2003, with a check in the amount of \$1,200.00 and authorization to charge any additional filing fee to our Deposit No. 03-1721. Small entity status was claimed on the Transmittal. A total filing fee of \$1,718.00 was paid, as indicated on the filing receipt. On May 26, 2004, a Response to Notice to File Missing Parts was filed, together with a check in the amount of \$65.00 to cover the surcharge for a late Declaration and a check in the amount of \$55.00 for a one (1) month extension of time.

Small Entity Status was previously established in good faith, and Small Entity fees were previously paid in good faith. Recently, individuals associated with the payment of fees and execution of the Assertion in connection with the above-referenced patent application have become aware that a large entity, DuPont, retains certain licensing rights in the invention and that small entity status is therefore not appropriate.

In accordance with 37 C.F.R. 1.28(c), Applicants respectfully submit herewith a check for \$1902.00 to cover the deficiency owed resulting from the previous erroneous payment of Small Entity fees.

In accordance with 37 C.F.R. 1.28(c) (ii), set forth below is an itemization of the total deficiency payment.

Basic Statutory Filing Fee

Current fee for non-small entity	\$790.00
Small Entity fee actually paid on 11/18/03	\$375.00
Deficiency Owed	
(\$790.00 - \$375.00)	\$415.00

Fee for Independent Claims in Excess of 3

Current fee for non-small entity	
(1 independent claim in excess of 3 @ 88 for each excess claim)	\$88.00
Small Entity fee actually paid on 11/18/03	
(1 independent claim in excess of 3 @ 42 for each excess claim)	\$42.00
Deficiency Owed	
(\$88.00 - \$42.00)	\$46.00

Additional Dependent Claim Fee

Current fee for non-small entity	
(129 claims in excess of 20 @ \$18.00 for each excess claim)	\$2322.00
Small Entity fee actually paid on 11/18/03	
(129 claims in excess of 20 @ \$9.00 for each excess claim)	\$1161.00
Deficiency owed	
(\$2322-1161.00)	\$1161.00

Multiple Dependent Claim Fee

Current fee for non-small entity	\$300.00
Small Entity fee actually paid on 11/18/03	
\$140.00	
Deficiency owed	
(\$300.00 - \$140.00)	\$160.00

Surcharge - Late filing fee or oath or declaration

Current fee for non-small entity	\$130.00
Small Entity fee actually paid on 05/26/04	\$65.00
Deficiency owed	

(\$130.00 - \$65.00)

\$65.00

Petition for One (1) Month Extension of Time

Current fee for non-small entity

\$110.00

Small Entity fee actually paid on 05/26/04

\$55.00

Deficiency owed

(\$110.00 - \$55.00)

\$55.00

TOTAL DEFICIENCY

\$1902.00

Although we believe that we have appropriately provided for any fees due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to/from our Deposit Account No. 03-1721.

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 248-5071.

Respectfully submitted,



Monica R. Gerber

Registration Number 46,724

Date: December 3, 2004

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